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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,112	10/10/2000	Henry Lieberman	81055DMW	4920

7590 01/27/2005

Patent Legal Staff
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343 State Street
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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/685,112	Applicant(s) LIEBERMAN ET AL.	
	Examiner Matthew J. Ludwig	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for reconsideration filed 7/30/04.
2. Claims 1-30 are pending in the application. Claims 1, 13, and 22, are independent claims.
3. The rejection of claims 1-30 under 35 U.S.C. 103(a) as being unpatentable over Murakami in view of Lieberman has been withdrawn pursuant to the Applicant's argument.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. **Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borovoy et al., USPN 5,873,107 filed (3/29/96).**

In reference to independent claim 1, Borovoy teaches:

Information returned to a user based on the analysis of text and could be viewed by the author so as to view the full context from which it came (compare to “*providing metadata associated with the stored images*”). See column 3, lines 15-35. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the document presentation methods and display icons taught by Borovoy provide the suggestion of source or metadata associated with an image. Because audio and image based files typically have text based file names or other descriptive

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information associated with them, they can likewise be searched for and retrieved. One can imagine numerous possibilities where an author is writing about a particular subject and the retrieved material includes relevant still images, graphics or video clips. See column 6, lines 35-45.

In the preferred embodiment of the present invention, the author enters text in one portion of the user interface (compare to “*running a user application in which text is entered by a user*”). See column 3, lines 15-17.

Keywords are extracted from the text as the author enters the text and are used as query words for an information retrieval mechanism to search a collection of documents (compare to “*continuously monitoring text typed by the user into the application to isolate the context expressed by the text*”). See column 3, lines 17-20.

Those queries return relevant material, which could be images, from the document collection in a second portion of the user interface (compare to “*matching the context with the metadata associated with the stored images, thereby providing one or more matched images*”). See column 3, lines 21-24.

The user can then read or ignore the returned information or he can select it so as to view the full context from which it came (compare to “*retrieving and displaying the matched images*”).

The reference does not explicitly disclose utilizing the context to provide suggested annotations to the user for the matched images, together with the capability of selecting certain of the suggested annotations for subsequent association with the matched images; however, the reference provides the variant form of the invention utilizing the retrieval of images based on the author’s text. The author would input text,

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which then causes the image retrieval application to begin, followed by the user having the ability to manipulate said image. The user would have the decision of what to do with that image data, but the invention provides the suggestion of manipulating data retrieved by the application. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the image retrieval methods taught by Borovoy and included the feature of annotating the retrieved image, because the invention provides a means for manipulating the retrieved data and improving an author's formal document research based on past works.

In reference to dependent claim 2, Borovoy teaches:

The user can then read or ignore the returned information or he can select it so as to view the full context from which it came. See column 3, lines 20-25.

In reference to dependent claim 3, Borovoy teaches:

The document collection can merely be those previously authored by the user, in the case of the user building on his own previous work, or can be a much larger collection as might be available in a database or on a server or even on the internet. See column 3, lines 40-47.

In reference to dependent claim 4, Borovoy teaches:

Additional relevant material matching keyword has likewise been retrieved as can be seen in figure 2. See Borovoy, figure 2.

In reference to dependent claim 5, Borovoy teaches:

The user interface in the preferred embodiment also displays the title of each return and can easily be extended to include other document or keyword related

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information such as creation data, creator, document/file type, relevance ranking, etc. See column 4, lines 1-15.

In reference to dependent claim 6, Borovoy teaches:

The user interface in the preferred embodiment also displays the title of each return and can easily be extended to include other document or keyword related information such as creation data, creator, document/file type, relevance ranking, etc. See column 4, lines 1-15.

In reference to dependent claim 7, Borovoy teaches:

The author enters text in one portion of the user interface. Keywords are extracted from the text as the author enters the text and are used as query words for an information retrieval mechanism. See column 3, lines 15-26.

In reference to dependent claim 8, Borovoy teaches:

As the user continues to type in the text authoring area, returns displayed on the basis of one keyword are ultimately replaced by those returned on the bases of another keyword. See column 4, lines 22-28.

In reference to dependent claim 9, Borovoy teaches:

The user interface in the preferred embodiment also displays the title of each return and can easily be extended to include other document or keyword related information such as creation data, creator, document/file type, relevance ranking, etc. See column 4, lines 1-15.

In reference to dependent claim 10-12, Borovoy teaches:

The user interface in the preferred embodiment also displays the title of each return and can easily be extended to include other document or keyword related

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information such as creation data, creator, document/file type, relevance ranking, etc. See column 4, lines 1-15.

In reference to independent claim 13, the limitations reflect the instructions used for performing similar methods as those claimed in independent claim 1, and in further view of the following, is rejected along the same rationale. Furthermore, the reference teaches that the document being authored may be as extensive and formal as a daily journal entry or e-mail message (compare to “*running an e-mail application in which text is entered by a user into a message window*”). See column 6, lines 25-28.

In reference to dependent claims 14-21, the claims recite similar instructions used for performing the methods as claimed in numbers 1-13, respectively, and in further view of the following, is rejected along the same rationale.

In reference to claims 22-30, the limitations reflect the system comprising instructions used for performing the methods as claimed in 1-13, and in further view of the following, are rejected along the same rationale.

Response to Arguments

6. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolfe	USPN 5,870,770	filed (1/28/1998)
Hoffert et al.,	USPN 6,374,260	filed (2/28/2000)

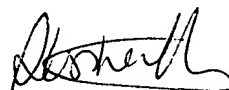
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
January 19, 2005



STEPHEN HONG
PATENT EXAMINER